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Attorneys for Defendants and Counterclaimants
ROMI MAYDER, SILICON TEST SYSTEMS, INC.,
SILICON TEST SOLUTIONS LLC, and WESLEY
MAYDER

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VERIGY US, INC., a Delaware Corporation,

Plaintiff,

v.

ROMI OMAR MAYDER, an individual;
WESLEY MAYDER, an individual; SILICON
TEST SYSTEMS, INC., a California
Corporation; and SILICON TEST
SOLUTIONS, LLC, a California Limited
Liability Corporation, inclusive,

Defendants.

AND RELATED COUNTERCLAIMS.

Case No. 5:07-cv-04330-RMW (HRL)

**DECLARATION OF TIM C. HALE IN
SUPPORT OF DEFENDANTS' MOTION
TO QUASH SUBPOENA DUCES TECUM**

Date: October 7, 2008

Time: 10:00 a.m.

Ctrm: 2

Before the Hon. Howard R. Lloyd

Complaint Filed: August 22, 2007

Trial Date: December 8, 2008 (jury trial)

(Defendants have elected to reserve their jury
trial rights under F.R.C.P., Rule 38)

I, Tim C. Hale, declare under penalty of perjury as follows:

1. I am admitted to practice before the State Bar of California, and am admitted to practice
before this Court and have been since 1984. I am a founding partner at the law firm of Russo &
Hale LLP, counsel for Defendants Romi Mayder, Wesley Mayder, Silicon Test Solutions LLC and
Silicon Test Systems Inc. ("Defendants") in this matter. I make the statements herein of my

1 personal knowledge, except where stated on information and belief, which statements I believe to
2 be true. I could and would competently testify to the matters set forth herein if called as a witness.

3 2. Attached hereto as Exhibit 1 is a true and correct copy of the Subpoena Duces
4 Tecum served by Verigy on Mount & Stoelker on August 5, 2008 (“the Subpoena”). Nearly every
5 document request in the Subpoena purports to require production of documents or communications
6 relating to statements made in the Declaration of Romi Mayder, filed July 10, 2008. These
7 statements refer to legal advice given to Romi Mayder by Mount & Stoelker in their capacity as
8 litigation counsel to the Defendants. I attended the Rule 30(b)(6) deposition of the Defendant
9 company STS, Inc. on August 21, 2008, at which Romi Mayder appeared and testified on behalf of
10 STS. At that deposition, Verigy did not consider the information it seeks in the Subpoena to be
11 vital enough even to question Mr. Mayder about such statements during that deposition. .

12 3. Verigy phrased the document requests in the Subpoena in broad and sweeping
13 language, despite the requirement that a finding of waiver of privilege must be narrowly tailored.
14 At no time has Verigy offered to limit the scope of the Subpoena in order to conform to that
15 requirement. Even with the knowledge that Defendants intended to move to quash the Subpoena,
16 Verigy expressed no interest in tailoring it to include only such documents as would be deemed
17 vital enough to justify waiver of the privilege.

18 4. The Subpoena defines “RELATING TO” or “RELATED TO” as “concerning,
19 comprising, constituting, reflecting, relating to, referring to, stating, describing, recording,
20 pertaining to, evidencing, noting, embodying, containing, mentioning, studying, analyzing,
21 discussing and evaluating.” Exhibit 1, Attachment A, ¶6. Verigy uses this phrase throughout the
22 document requests in the Subpoena. This definition is so broad it would include any
23 communication or document even remotely related to the statements referred to in the document
24 requests, all of which describe instances of legal advice rendered to Romi Mayder from Mount &
25 Stoelker.

26 5. Attached hereto as Exhibit 2 is a true and correct copy of Mount & Stoelker’s
27 objections to the Subpoena served by Verigy on August 5, 2008. Mount & Stoelker properly
28 objected to the subpoena on August 20, 2008, prior to the return date.

1 I declare under penalty of perjury under the laws of the United States of America hat the
2 foregoing statements are true and correct of my personal knowledge and that this Declaration was
3 executed in Palo Alto, California, on August 28, 2008.

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5 /s/ Tim C. Hale

6 Tim C. Hale
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